

REMARKS

The Examiner objected to the drawings because they do not include a "cathode layer" as claimed in Claim 4. The above amendments to Claim 4 replace the term in question with a "target". Such a target is shown in Figure 6 at 403. Accordingly, Applicant submits that no correction to the drawings is required.

The Examiner objected to Claim 1 because a period was missing from the end of the claim. The above amendment to Claim 1 cures this defect.

The Examiner objected to term "cathode layer" in Claim 4 because the specification refers to a "target". The above amendments to Claim 4 cure this defect.

The Examiner rejected claims 1 and 2 under 35 U.S.C. 102(e) as being anticipated by Grassmann, *et al* (hereafter "Grassmann") (US 4,349,740). Applicant traverses this rejection.

The Examiner has the burden of showing by reference to the cited art each claim limitation in the reference. Anticipation under 35 U.S.C. 102 requires that each element of the claim in issue be found either expressly or inherently in a single prior art reference. In *re* King, 231 USPQ 136, 138 (Fed. Cir. 1986); *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 781, 789 (Fed. Cir. 1983). The mere fact that a certain thing may result from a given set of circumstances is not sufficient to sustain a rejection for anticipation. *Ex parte Skinner*, 2 USPQ2d 1788, 1789 (BdPatApp&Int 1986). "When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference" (*In re Rijckaert*, 28 USPQ2d, 1955, 1957). Under the doctrine of inherency, if an element is not expressly disclosed in a prior art reference, the reference will still be deemed to anticipate a subsequent claim if the missing element "is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *Cont'l Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). "Inherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present, in the prior art." *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295, 63 USPQ2d 1597,

1599(Fed. Cir. 2002) (quoting In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)).

With respect to Claims 1 and 2, the Examiner identifies photodetectors 71-85 as the planar detector. The Examiner maintains that Grassmann teaches a system in which a controller reads a first image formed by x-rays from the first source point and stored in a first portion of the photodetectors while a second portion of the photodetectors measures x-rays from the second source point to generate a second image that is stored in the second portion of the photodetectors. The Examiner cites the passages from col. 4, line 62 – col. 5, line 15, col. 5, lines 27-42, and the abstract as supporting this proposition. At most, the abstract refers to some of the detectors being “time-shared” by different x-ray sources that are actuated sequentially. The remaining passages make no mention of reading out an image in a first portion of the detectors while a second image measures x-rays from a different source position. Accordingly, Applicant submits that the Examiner has failed to show that Grassmann teaches each limitation of Claim 1, and hence, Claim 1 and 2 are not anticipated by Grassmann.

The Examiner rejected Claims 1-3 and 5 under 35 U.S.C. 102(e) as being anticipated by Parker (US 5,461,653). Applicant traverses this rejection.

With respect to Claims 1 and 2, the Examiner maintains that Parker teaches a controller that selects which of the source points generates the x-rays at any given time and that reads a first image formed by x-rays from the first source point and stored in a first portion of the photodetectors while a second portion of the photodetectors measures x-rays from the second source point to generate a second image that is stored in the second portion of the photodetectors. The Examiner cites the passages at col. 3, lines 62 – col. 4, line 7; col. 5, lines 34-42 and claim 1 as supporting this proposition. None of these passages refers to the computer’s ability to store the detector data and associate the data with a particular x-ray source. Accordingly, Applicant submits that the Examiner has failed to show that Parker teaches each limitation of Claim 1, and hence, Claim 1 and the claims dependent therefrom are not anticipated by Parker.

With respect to Claim 3, the Examiner stated that Parker teaches that the x-ray source comprises a collimator for preventing x-rays generated at the second source point from reaching the first portion of the photodetectors. The Examiner cites the passage at col. 4, lines 51-62 as supporting this proposition. The cited passage does not provide such a teaching. While Parker does teach an upper collimator, there is no teaching that the collimator prevents x-rays from one source position from reaching a subset of the photodetectors that were used to image the object when the x-rays come from a second source position. Accordingly, there are additional grounds for allowing Claim 3.

With respect to Claim 5, the Examiner stated that Parker teaches resetting a portion of the photodetectors while the second image is being stored in the succeeding portion of the photodetectors. The Examiner cites the passage at col. 8, line 55 to col. 9, line 6 as supporting this proposition.

First, Claim 5 requires that the photodetectors be divided into three groups. The first group is read out while the second group is accumulating data. The third group is reset while these two operations are being performed. The cited passage provides no such teaching. At most, the passage teaches that the photodetectors utilize CMOS imaging sensors that are reset after being read out. Accordingly, there are additional grounds for allowing Claim 5.

The Examiner rejected Claims 1 and 2 under 35 U.S.C. 102(e) as being anticipated by Taskar, *et al* (hereafter "Taskar") (US 6,650,727). Applicant traverses this rejection.

With respect to Claim 1, the Examiner maintains that Taskar teaches a controller that selects which of the source points generates the x-rays at any given time and that reads a first image formed by x-rays from the first source point and stored in a first portion of the photodetectors while a second portion of the photodetectors measures x-rays from the second source point to generate a second image that is stored in the second portion of the photodetectors. The Examiner cites the abstract and the passage at col. 5, lines 19-47 as supporting this proposition. Applicant must disagree with the Examiner's reading of Taskar. The cited passage refers to turning off specific sensors in the detector array so that scattered x-rays are not detected when the x-ray source is at the current position. It does not refer to reading out a first image stored in a first portion of the photodetectors while a second portion

of the photodetectors is measuring a second image from a second source point. Accordingly, Applicant submits that Taskar does not anticipate Claim 1 or the claims dependent therefrom.

The Examiner rejected Claim 4 under 35 U.S.C. 103(a) as being unpatentable over Parker as applied to claim 1 above in view of Annis, *et al* (hereafter "Annis") (US 6,628,745). Applicant traverses this rejection and repeats the arguments made above with respect to the missing teachings in Parker with respect to Claim 1 from which Claim 4 depends. The Examiner has not pointed to any teaching in Annis that provides these missing teachings. Hence, the combined references do not teach all of the limitations of Claim 4. Accordingly, Applicant submits that the Examiner has not made a *prima facie* case for obviousness under 35 U.S.C. 103 with respect to Claim 4.

The Examiner rejected Claim 5 under 35 U.S.C. 103(a) as being unpatentable over Grassmann as applied to claim 1 above, and further in view of Fowler (US 6,424,375). Applicant traverses this rejection and repeats the arguments made above with respect to the teachings of Claim 1 missing from Grassmann. Fowler does not provide the missing teachings.

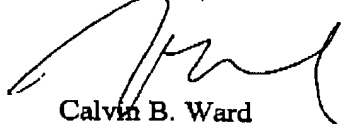
With respect to Claim 5, the Examiner admits that Grassmann does not teach resetting a portion of the photodetectors while another portion of the photodetectors is being read out. The Examiner looks to Fowler as teaching a reset mechanism for CMOS image sensors. Applicant does not disagree; however, the issue is not whether Fowler teaches resetting the image sensors, but whether there is a teaching of resetting a portion of the sensors while a second portion of the sensors is accumulating data, and a third portion is being read out. The Examiner has not pointed to any such teaching in Fowler. Hence, Applicant submits that the Examiner has not made a *prima facie* case for obviousness under 35 U.S.C. 103 with respect to Claim 5.

The Examiner rejected Claim 5 under 35 U.S.C. 103(a) as being unpatentable over Taskar as applied to claim 1 above, and further in view of Fowler. Applicant traverses this rejection and repeats the arguments made above with respect to the teachings of Claim 1 missing from Taskar. Fowler does not provide the missing teachings. In addition, as pointed out above Fowler does not teach the reset mechanism required by Claim 5. Applicant

submits that the Examiner has not made a *prima facie* case for obviousness under 35 U.S.C. 103 with respect to Claim 5.

I hereby certify that this paper is being sent by FAX to 703-872-9306.

Respectfully Submitted,



Calvin B. Ward
Registration No. 30,896
Date: Aug. 4, 2005

Agilent Technologies, Inc.
Legal Department, M/S DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599
Telephone (925) 855-0413
Telefax (925) 855-9214